

BOROUGH OF LONGPORT
COMMISSION MEETING
AUGUST 20, 2014
4:30 pm

PURSUANT TO THE OPEN PUBLIC MEETINGS ACT, ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH THE LAW.

AGENDA

1. *Flag Salute- Meeting called to order*
2. *Open Public Meeting Announcement-Fire Exits-Public Speaking time limit*
3. *PROCLAMATION- Longport Beach Patrol*
4. *Approval of minutes for the 7/23/14 Commission meeting and 8.14.14 workshop*
5. *2ND READING/PUBLIC COMMENT*
***O2014-10** AMENDING CHAPTER 167-ZONING AS IT PERTAINS TO FIREPLACES AND FIRE PITS OF THE CODE OF THE BOROUGH OF LONGPORT(Fences, Walls, Bulkheads, and Sight Triangles)*
***O2014-11** AMENDING CHAPTER 167 AS IT PERTAINS TO FIREPLACES AND FIRE PITS OF THE CODE OF THE BOROUGH OF LONGPORT (Swimming Pools)*
6. *Public Comment/Questions on Resolutions listed on this agenda (3 minutes/person)*
7. *Resolutions*
 - ✓ *R2014-92 Change Order –R. Maxwell Construction Co. Inc for the 2014 Municipal Hall Access Improvements- CDBG*
 - ✓ *R2014-93 Authorizing the Mayor of the Borough of Longport to Enter into a State Aid Agreement with the NJ Dept of Environmental Protection for the Construction of the Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey Hurricane and Storm Damage Reduction Project, Project Number 6057-1-13*
8. *Bill Pay List and Financial Report Summary*
9. *Commissioners' Reports*
10. *Public Comment*
11. *Adjournment*

Posted: 8-19-14

Revised:

ORDINANCE 2014-10

**AN ORDINANCE AMENDING CHAPTER 167 - ZONING
AS IT PERTAINS TO FIREPLACES AND FIRE PITS
OF THE CODE OF THE BOROUGH OF LONGPORT**

BE IT ORDAINED BY THE COMMISSIONERS OF THE BOROUGH OF LONGPORT that:

SECTION I: Subchapter 167-20. Fences, Walls, Bulkheads, and Sight Triangles. of Chapter 167 of the Code of the Borough of Longport is changed to read **167-20 Fences, Walls, Bulkheads, Sight Triangles, and Fireplaces/Fire Pits;** and

SECTION II. The following subparagraph is added to **Subchapter 167-20:**

F. Fireplaces and Firepits.

- (1) All outside wood burning fireplaces shall be placed within the rear yard of the property; be attached only to a Principal Structure meeting the District Requirements for a rear yard setback; and not protrude from the compliant Principal Structure more than three feet into the rear yard setback. The fireplace shall not be wider than eight feet. All other outdoor fireplaces shall only be natural or propane gas fired and shall be placed within the setbacks and meet the maximum height requirements for accessory structures. Such non-attached natural or propane gas fired fireplaces shall count as impervious accessory building square footage.
- (2) Firepits shall only be natural or propane gas fired; be constructed not more than three (3) feet in height from the ground (patio) or first floor deck elevation; and only placed within the permitted setback requirements for first floor decks and patios. If constructed independent of a deck or patio, the unit must meet the setbacks for a deck and the area or the firepit shall count as accessory building coverage. Firepits on wood decks must have minimum ½" cement board beneath.
- (3) Portable metal firepits and chimineas not exceeding an area of 30" by 30" and 36" in height may be wood burning in accordance with appropriate fire regulations and may be placed not closer than 3 feet to any property line.

SECTION III: All other Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction as invalid, such judgement shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION IV: This Ordinance shall take effect immediately upon passage and publication as required by Law.

RECORD OF GOVERNING BODY VOTE (8-6-2014)

COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.	
RUSSO	✓				✓		
LEEDS	✓						
LAWLER	✓					✓	
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second							

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE (8-20-14)

COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.	
RUSSO							
LEEDS							
LAWLER							
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second							

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

/s/ EMILIA R. STRAWDER, RMC
MUNICIPAL CLERK

First Reading:
Publication:
Final Reading:

Emilia R. Strawder, RMC CMR
Municipal Clerk

Mayor Nicholas Russo, EdD

Commissioner Daniel Lawler

Commissioner James P. Leeds, Sr.

ORDINANCE 2014-11

AN ORDINANCE AMENDING CHAPTER 167 - ZONING
AS IT PERTAINS TO HOT TUBS AND SPAS
OF THE CODE OF THE BOROUGH OF LONGPORT
ATLANTIC COUNTY NEW JERSEY

BE IT ORDAINED BY THE COMMISSIONERS OF THE BOROUGH OF LONGPORT that:

SECTION I: Subchapter 167-26. Swimming Pools. in Chapter 167 of the Code of the Borough of Longport is changed to read **167-26 Swimming Pools, Hot Tubs, and Spas** and

SECTION II. The entire Subchapter is deleted and replaced with the following:

Subchapter 167-26 Swimming Pools, Hot Tubs, and Spas.

In addition to complying with other applicable regulations contained in this Chapter and all other applicable Longport Ordinances, swimming pools, hot tubs, and spas, with the exception of movable wading pools having less than 150 square feet of water area and being 24 inches or less in water depth, may be established only in accordance with the following standards and requirements and only as an accessory use to an existing and established residential, multifamily, hotel, or motel use on the same property.

- A. **Fencing.** All in-ground and above ground swimming pools, hot tubs, and spas shall have a minimum four foot high fence such that they are fully enclosed. The height of the fence shall be measured from the existing ground elevation. All gates shall be lockable and self closing. Fencing shall be of a type that is non-scalable and with no footholds. The fencing shall be placed at least three feet from the waters edge. No certificate of occupancy shall be issued by the Construction Code Official until all fencing is erected and complete.
- B. **Lighting.** All pool/hot tub/ spa lighting shall be contained within the structure and below the water line. Area lighting shall be in conformance with Chapter 167-23. No floodlights are permitted.
- C. **Flood Plane-** All pool equipment shall be on a foundation not less than the Design Flood Elevation as established by Chapter 99 and meet the required setbacks as established under Chapter 167-11 C.
- D. **Setbacks.** All swimming pools, hot tubs, or spas, whether above ground or not, shall be setback at least five (5) feet from any side or rear property line and at least three feet from any structure. Setbacks shall be measured from either the face of the structure or property line to the vertical edge of the water. For lots fronting the Ocean or Risleys Channel, there shall be a minimum setback from the interior line of the bulkhead or seawall of at least three feet. All pools, hot tubs, or spas shall be setback at least ten (10) feet from any front yard property line.

SECTION III: All other Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction as invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION IV: This Ordinance shall take effect immediately upon passage and publication as required by Law.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE

COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO	✓				✓	
LEEDS	✓					
LAWLER	✓					✓

X X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE

COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						

X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second

SIGNATURE PAGE FOR ORDINANCE 2014-11

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

/s/ EMILIA R. STRAWDER, RMC
MUNICIPAL CLERK

:

Mayor Nicholas Russo, EdD

Commissioner Daniel Lawler

Commissioner James P. Leeds, Sr.

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2014 - 92

APPROVAL OF CHANGE ORDER NUMBER 1 - PARTIAL FOR
R. MAXWELL CONSTRUCTION COMPANY, INCORPORATED
FOR THE
20143 MUNICIPAL HALL ACCESS IMPROVEMENTS – CDBG
2305 Atlantic Avenue

WHEREAS, the Borough of Longport previously awarded a Contract per Resolution 2014-37 to **R. Maxwell Construction Company, Incorporated** in the amount of **\$135,645.00** for the **2014 Municipal Hall Access Improvements**; and

WHEREAS, during the course of construction, it was necessary to supplement the Contract in order to provide for the successful completion of the Project; and

WHEREAS, the Municipal Engineer has prepared, and has recommended for approval, Change Order Number 1 – Partial in the amount of \$7,900.00 , attached hereto, which incorporates supplemental work necessary to fully complete the Project; and

WHEREAS, the approval of Change Order Number 1 - Partial will adjust the Original Contract Amount to an **Adjusted Contract Amount of \$143,545.00**, which results in a 5.8% increase in the Project Contract.

NOW, THEREFORE, BE IT RESOLVED by the Longport Borough Commission that it hereby accepts the recommendation of the Municipal Engineer and hereby approves Change Order Number 1 - Partial in the amount of \$7,900.00 adjusting the Contract Amount for the **2014 Municipal Hall Access Improvements** to **\$143,565.00**; and

BE IT FURTHER RESOLVED, that, a Certificate of Available Funds issued by the Municipal Chief Financial Officer is attached hereto

Adopted: _____

I, Emilia R. Strawder, RMC, CMR, Municipal Clerk of the Borough of Longport, Atlantic County, N.J., do hereby certify the forgoing to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Longport at a Meeting of said Board of Commissioners held on August 20, 2014 and that said Resolution was adopted by not less than a two-thirds vote of the members of the Longport Board of Commissioners

EMILIA R. STRAWDER, RMC, CMR
MUNICIPAL CLERK

**BOROUGH OF LONGPORT
ATLANTIC COUNTY, NEW JERSEY**

RESOLUTION 2014-93

**AUTHORIZING THE MAYOR OF THE BOROUGH OF LONGPORT TO ENTER INTO A STATE AID
AGREEMENT WITH THE THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR
CONSTRUCTION OF THE BRIGANTINE INLET TO GREAT EGG HARBOR INLET, ABSECON ISLAND, NEW
JERSEY HURRICANE AND STORM DAMAGE REDUCTION PROJECT, PROJECT NUMBER 6057-I-13**

WHEREAS, Superstorm Sandy caused extensive damage to life and property in the municipalities along much of the Atlantic Coast of New Jersey, including flooding and erosion along portions of the Borough of Longport (hereinafter “the Municipality”); and

WHEREAS, Superstorm Sandy revealed that improved and enhanced flood hazard risk reduction and shore protection measures are necessary along the coastlines of New Jersey for the protection of the public health, safety, and welfare of the citizens of New Jersey; and

WHEREAS, in response to the devastation from Superstorm Sandy, the United States Congress has appropriated funds for the creation, improvement, and reconstruction of flood hazard risk reduction measures across New Jersey’s coastline, including in the Municipality; and

WHEREAS, due to the imminent threat of a future storm that may cause further devastation to public welfare and property, there exists an immediate need to commence construction of the United States Army Corps of Engineer’s Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey Hurricane and Storm Damage Reduction Project (the “Project”); and

WHEREAS, the Municipality governing body has decided that construction of the Project, in conjunction with the New Jersey Department of Environmental Protection (“DEP”), is in the best interests of the Municipality and the property and citizens thereof; and

WHEREAS, using public funds, the United States Army Corps of Engineers, in coordination with DEP, intends to begin construction of the Project in the Municipality in or about November 2014; and

WHEREAS, the presently available federal funding for the Project will be jeopardized if the United States Army Corps of Engineers cannot commence construction in or about November 2014; and

WHEREAS, the DEP, as a condition of commencing construction of the Project, requires that the Municipality enter into a State Aid Agreement for initial construction of the Project; State of New Jersey, Department of Environmental Protection; and

WHEREAS, the passage of a resolution authorizing the Mayor of Longport to enter into the State Aid Agreement would enable the Project to proceed without delay in the Municipality;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Longport, County of Atlantic, that the Mayor be and is hereby authorized to execute the State Aid Agreement between the Borough of Longport, and the State of New Jersey, Department of Environmental Protection.

MOVED:

SECONDED:

AND ADOPTED UPON THE FOLLOWING ROLE CALL:

AYES:

NAYES:

ABSENT: